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ZAGORIN O'BRIEN GRAHAM LLP			SCHMIDT, KARI L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,901	SMITH ET AL.	
	Examiner	Art Unit	
	KARI L. SCHMIDT	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 April 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 and 36-38 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-33 and 36-38 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Notice to Applicant

This communication is in response to the amendment filed on 04/25/2008.

Claims 1-33 and 36-38 remain pending. Claims 34-35 have been canceled. Claims 36-38 have been added.

The examiner notes the Final Action mailed on 01/07/2008 has been withdrawn in light of new art, therefore this action is made Non-Final.

Response to Arguments

Applicant's arguments, filed 04/25/2008, with respect to the rejection(s) of claim(s) 1-33 under U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dickinson et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-22, 24-33, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson et al. (WO 99/05814)

Claim 1

Dickinson discloses a computer readable medium useful in association with a computer which includes a processor and a memory (see at least, page 5, lines 20-26: the examiner notes the email firewall takes the form of a program executing on a conventional general purpose computer), the computer readable medium including computer instructions which are configured to cause the computer to assure adherence to a policy by a package to be delivered from a sender associated with an enterprise to one or more recipients through a computer network by (see at least, page 3, lines 10-29: the examiner notes Company A sending encrypted emails to Company B in which Company A's email firewall will perform encryption of the email based on the domain name of Company B before the transmission of the message to Company B and page 13, lines 7-18: the examiner notes the email firewall prior to transmitting a message and page 14, lines 8-20: the examiner notes policy managers enforce policies before a message is sent to a destination(s)): responsive to receipt of package data which is generated by the sender and which specifies the package, applying a policy to the package wherein the policy is specified by policy data received from a policy authority of the sender, the policy authority including a rule base associated with the sender enterprise (see at least, page 3, lines 10-29: the examiner notes Company A sending encrypted emails to Company B in which Company A's email firewall will perform encryption of the email based on the domain name of Company B before the transmission of the message to Company B and page 13, lines 7-18: the examiner notes the email firewall prior to transmitting a message and page 14, lines 8-20: the

examiner notes policy managers enforce policies before a message is sent to a destination(s)); determining whether the policy permits delivery of the package (see at least, page 14, lines 8-20: the examiner notes a determination is made by the email firewall if encryption is required for a message or if it should be returned to the sender for encryption); and upon a condition in which the policy permits delivery of the package (see at least, page 14, lines 8-20: the examiner notes a determination is made by the email firewall if encryption is required for a message or if it should be returned to the sender for encryption), delivering the package by: sending notification to the recipients wherein the notification includes package identification data (see at least, page 7, lines 13-16: the examiner notes the policy engine can result in generation of a plurality of additional messages, for example, for notification to the sender or recipient); responsive to receipt of the package identification data from a selected one of the recipients, providing the selected recipient with access to the package (see at least, page 13, line 19 - page 14, line 20: the examiner notes in addition notification actions allow specification of whether the original message should accompany the notification and further disposition action determines whether the message continues to the destination).

Claim 2

Dickinson discloses the computer readable medium of Claim 1 wherein the policy applying comprises: determining that the package satisfies one or more conditions; and if the package satisfies the one or more conditions, performing one or more actions which are associated with the one or more conditions (see at least, page 14, lines 8-20:

the examiner notes a determination is made by the email firewall if encryption is required for a message or if it should be returned to the sender for encryption).

Claim 3

Dickinson discloses the computer readable medium of Claim 2 wherein the one or more actions include blocking delivery of the package (see at least, page 14, lines 8-31: the examiner notes messages that are deferred, quarantined, or returned).

Claim 4

Dickinson discloses the computer readable medium of Claim 2 wherein the one or more actions include blocking delivery of the package pending review of the package by the policy authority (see at least, page 7, lines 13-16: the examiner notes the policy engine can result in generation of plurality of additional messages, for example, quarantined).

Claim 8

Dickinson discloses the computer readable medium of Claim 2 wherein at least one of the actions notifies at least one predetermined recipient of one or more others of the actions (see at least, page 7, lines 10-16: the examiner notes the generation of the plurality of additional messages for example for notification to sender or recipient or system administrator).

Claim 9

Dickinson discloses the computer readable medium of Claim 8 wherein the predetermined recipient is the sender (see at least, page 6, lines 1-10: the examiner notes a destination field can contain any destination email address (e.g. the sender)).

Claim 10

Dickinson discloses the computer readable medium of Claim 2 wherein the one or more actions include modifying the package (see at least, page 3, lines 10-29: the examiner notes the email firewall would modify the package by applying encryption).

Claim 11

Dickinson discloses the computer readable medium of Claim 10 wherein the modifying of the package includes removing one or more data files attached to the package (see at least, page 8, lines 10-22: the examiner notes content control policies for filtering attachments).

Claim 12

Dickinson discloses the computer readable medium of Claim 10 wherein the modifying of the package includes modifying a message within the package (see at least, page 8, lines 10-22: the examiner notes content control policies for filtering specific words in the body of a message).

Claim 13

Dickinson discloses the computer readable medium of Claim 10 wherein the modifying of the package includes modifying data which specifies the manner in which the package is to be delivered (see at least, page 7, line 29-page 8, line 9: the examiner notes filtering based on date and time of transmission).

Claim 14

Dickinson discloses the computer readable medium of Claim 10 wherein the modifying of the package includes modifying data which specifies recipient actions which can be performed on the package after receipt by the recipient (see at least, page 7, line 29-page 8, line 9: the examiner notes filtering based on date and time of transmission).

Claim 15

Dickinson discloses the computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to the sender (see at least, Figure 1: the examiner notes the firewalls for the sender and recipient are configured by the firewall administrator for multiple policies and page 13, line 19 – page 14, line 20: the examiner notes logic expressions "AND" "OR" operations).

Claim 16

Dickinson discloses the computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to one or more of the

recipients (see at least, Figure 1: the examiner notes the firewalls for the sender and recipient are configured by the firewall administrator for multiple policies and page 13, line 19 – page 14, line 20: the examiner notes logic expressions "AND" "OR" operations)..

Claim 17

Dickinson discloses the computer readable medium of Claim 2 wherein one or more of the conditions include a boolean expression involving data related to one or more attributes of the package (see at least, Figure 1: the examiner notes the firewalls for the sender and recipient are configured by the firewall administrator for multiple policies and page 13, line 19 – page 14, line 20: the examiner notes logic expressions "AND" "OR" operations).

Claim 18

Dickinson discloses the computer readable medium of Claim 1 wherein the package data is generated by the sender through a web browse (see at least, page 6, lines 11-18: the examiner notes the use HTTP for email transfer and notes is the actual communications protocol that enables Web browsing).

Claim 19

Dickinson discloses the computer readable medium of Claim 18 wherein the package data includes HTML form data (see at least, page 8, lines 23-26: the examiner notes the MIME format which uses HTML to refer to the MIME type data).

Claim 20

Dickinson discloses the computer readable medium of Claim 1 wherein the policy data is received from the policy authority through a computer network (see at least, page 5, line 30-page 6, line 26: the examiner notes the LAN network and the access firewall being attached to the LAN network and page 7, line 17-28: the examiner notes policies are entered by an administrator of an e-mail firewall via a configuration module).

Claim 21

Dickinson discloses computer readable medium of Claim 1 wherein the computer network includes the Internet (see at least, page 5, line 30-page 6, line 26: the examiner notes a WAN network such as the Internet and page 7, line 17-28: the examiner notes policies are entered by an administrator of an e-mail firewall via a configuration module).

Claim 22

Dickinson discloses computer readable medium of Claim 1 wherein the notification is sent to the recipients as an SMTP e-mail message (see at least, page 6, lines 11-18:

the examiner notes the use of SMTP module to reply messages and page 7, lines 11-16: the examiner notes notifications are sent as messages).

Claim 24

Dickinson discloses the computer readable medium of Claim 1 wherein sending the package to the providing the selected recipient with access to the package in response to receipt of the package identification data comprises: sending includes transferring the package in connection accordance with a hypertext transfer (HTTP) type protocol interaction (see at least, page 6, lines 11-18: the examiner notes the use of HTTP to transfer messages).

Claim 25

Dickinson discloses the computer readable medium of Claim 1, further comprising: computer instructions executable to facilitate the receipt of the sender-generated package data (see at least, page 13, lines 7-18: the examiner notes a response to receiving a message).

Claim 26

Dickinson discloses the computer readable medium of Claim 1, further comprising: computer instructions executable to facilitate the receipt of the package identification data from one of the recipients (see at least, col. 7, lines 10-16: the examiner notes a notification would represent receipt of the message from one of the recipients).

Claim 27

Dickinson discloses a computer program product encoded in one or more computer readable media see at least, page 5, lines 20-26: the examiner notes the email firewall takes the form of a program executing on a conventional general purpose computer), the program product comprising: instructions executable on one or more servers interposed between a sender and one or more recipients to apply a rule based policy associated with the sender's enterprise to a package to be delivered from the sender to one or more of the recipients (see at least, page 3, lines 10-29: the examiner notes Company A sending encrypted emails to Company B in which Company A's email firewall will perform encryption of the email based on the domain name of Company B before the transmission of the message to Company B and page 5, lines 20-26: the examiner notes the e-mail firewall takes the form of a program executing on a general purpose computing system running the Windows NT operating system (e.g. which can be configured to run as a web server (e.g. Windows NT Server 4.0)) and page 13, lines 7-18: the examiner notes the email firewall prior to transmitting a message and page 14, lines 8-20: the examiner notes policy managers enforce policies before a message is sent to a destination(s)), the instructions further executable to determine whether the policy permits delivery of the package to a particular one of the recipients see at least, page 14, lines 8-20: the examiner notes a determination is made by the email firewall if encryption is required for a message or if it should be returned to the sender for encryption), and upon determination of a condition in which the policy permits delivery of the package, executable to initiate notification of the particular recipient, wherein the

notification includes package identification data usable by the particular recipient to retrieve the package from at least one of the servers (see at least, page 13, line 19 - page 14, line 20: the examiner notes in addition notification actions allow specification of whether the original message should accompany the notification and further disposition action determines whether the message continues to the destination).

Claim 28

Dickinson discloses the computer program product of claim 27, further comprising: a hypertext transfer protocol (HTTP) type interface for sender interaction with at least one of the servers (see at least, page 6, lines 11-18: the examiner notes HTTP); and a simple mail transfer protocol (SMTP) type interface for supply of a notification message to the particular recipient (see at least, page 6, lines 11-18: the examiner notes the use of SMTP module to reply messages and page 7, lines 11-16: the examiner notes notifications are sent as messages) .

Claim 29

The computer program product of claim 27, wherein communications via at least one of the HTTP-type interface and the SMTP-type interface are secured using a secure socket layer (SSL) protocol (see at least, page 1, lines 20-30: the examiner notes the use of Secure Socket Technologies for the WWW and page 6, lines 11-18: the examiner notes HTTP and the use of SMTP module to reply messages and page 7, lines 11-16: the examiner notes notifications are sent as messages).

Claim 30

Dickinson discloses a secure package delivery system comprising: a service hosted on one or more servers and interposed between a sender and one or more recipients to apply a rule based policy associated with the sender's enterprise to a package to be delivered from the sender to one or more of the recipients (see at least, page 3, lines 10-29: the examiner notes Company A sending encrypted emails to Company B in which Company A's email firewall will perform encryption of the email based on the domain name of Company B before the transmission of the message to Company B and page 5, lines 20-26: the examiner notes the e-mail firewall takes the form of a program executing on a general purpose computing system running the Windows NT operating system (e.g. which can be configured to run as a web server (e.g. Windows NT Server 4.0)) and page 13, lines 7-18: the examiner notes the email firewall prior to transmitting a message and page 14, lines 8-20: the examiner notes policy managers enforce policies before a message is sent to a destination(s)),; and a policy manager of the service operable to determine whether the policy permits delivery of the package to a particular one of the recipients, and upon determination of a condition in which the policy permits delivery of the package (see at least, page 3, lines 10-29: the examiner notes Company A sending encrypted emails to Company B in which Company A's email firewall will perform encryption of the email based on the domain name of Company B before the transmission of the message to Company B and page 5, lines 20-26: the examiner notes the e-mail firewall takes the form of a program executing on a general purpose computing system running the Windows NT operating system (e.g. which can

be configured to run as a web server (e.g. Windows NT Server 4.0)) and page 13, lines 7-18: the examiner notes the email firewall prior to transmitting a message and page 14, lines 8-20: the examiner notes policy managers enforce policies before a message is sent to a destination(s)), to initiate notification of the particular recipient (see at least, page 7, lines 10-16: the examiner notes generation of a plurality of additional message, for example, for notification to the sender or recipient); and a delivery manager operable to transmit to the particular recipient a notification message that includes package identification data usable by the particular recipient to retrieve the package from the service (see at least, page 7, lines 10-16: the examiner notes generation of a plurality of additional message, for example, for notification to the sender or recipient);.

Claim 31

Dickinson discloses secure package delivery system of claim 30, further comprising: an interface for communication with a policy authority for the sender's enterprise (see at least, page 7, line 17-28: the examiner notes policies are entered by an administrator of an e-mail firewall via a configuration module).

Claim 32

Dickinson discloses secure package delivery system of claim 31, further comprising: the policy authority (see at least, page 7, line 17-28: the examiner notes policies are entered by an administrator (e.g. policy authority) of an e-mail firewall via a configuration module).

Claim 33

Dickinson discloses the secure package delivery system of claim 30, further comprising: a hypertext transfer protocol (HTTP) type interface for sender interaction with the service; and a simple mail transfer protocol (SMTP) type interface for supply of the notification message to the particular recipient (see at least, page 6, lines 11-18: the examiner notes HTTP and the use of SMTP module to reply messages and page 7, lines 11-16: the examiner notes notifications are sent as messages)..

Claim 36

Dickinson discloses the computer readable medium of claim 1, wherein the selected recipient is not associated with the sender enterprise (see at least, page 6, lines 1-10: the examiner notes a destination field can contain any destination email address (e.g. the sender))..

Claim 37

Dickinson discloses the computer program product of claim 27, wherein the particular recipient is not associated with the sender enterprise (see at least, page 6, lines 1-10: the examiner notes a destination field can contain any destination email address (e.g. the sender)).

Claim 38

Dickinson discloses the secure package delivery system of claim 30, wherein the particular recipient is not associated with the sender enterprise (see at least, page 6, lines 1-10: the examiner notes a destination field can contain any destination email address (e.g. the sender)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (WO 99/05814) in view of Schutzman et al. (US 5,627,764).

Claim 5

Dickinson fails to disclose wherein the one or more actions include documenting the delivery of the package.

However, Schutzman discloses wherein the one or more actions include documenting the delivery of the package (see at least, column 6, line 59 - column 7, lines 6: the examiner notes a message event is created indicating the date and time of receipt and column 20, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dickinson to include discloses wherein the one or more actions include documenting the delivery of the package as taught by Schutzman. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a flexible, efficient, even driven and conditional rule-base system which can be transparently implemented for applications (see at least, Schutzman, column 3, lines 9-12).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (WO 99/05814) in view of Schutzman et al. (US 5,627,764) as applied to claim 5 above, and further in view of Kuzma (US 5,771,355).

Claim 6

Dickinson in view of Schutzman fails to disclose wherein the documenting of the delivery of the package includes storing a copy of the package.

However Kuzma discloses wherein the documenting of the delivery of the package includes storing a copy of the package (see at least, column 8, line 51-column 9 line 22: the examiner notes for example, a server of the network closer in terms of cost to a recipient retains for a certain time a copy of the attachment when it passes the attachment to a recipient of the e-mail message, so that the copy may in some instances be sent to a subsequent recipient that requests the attachment without the

attachment needing to be retrieved from its original storage location, which is further in terms of cost than its temporary cached location).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dickinson in view of Schutzman to include wherein the documenting of the delivery of the package includes storing a copy of the package as taught by Kuzma. One of ordinary skill in the art would have been motivated to combine the teachings in order to have a memory storage device of a local node network store incoming email messages and attachments in order to prevent overloading of email messages to the local node (see at least, Kuzma, column 1, lines 36-52).

Claim 7

Dickinson in view of Schutzman fails to disclose wherein the one documenting of the delivery of the package includes sending a copy of the package to a predetermined recipient.

However Kuzma discloses wherein the one documenting of the delivery of the package includes sending a copy of the package to a predetermined recipient (see at least, column 8, line 51-column 9 line 22: the examiner notes for example, a server of the network closer in terms of cost to a recipient retains for a certain time a copy of the attachment when it passes the attachment to a recipient of the e-mail message, so that the copy may in some instances be sent to a subsequent recipient that requests the

attachment without the attachment needing to be retrieved from its original storage location, which is further in terms of cost than its temporary cached location).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dickinson in view of Schutzman to include wherein the one documenting of the delivery of the package includes sending a copy of the package to a predetermined recipient as taught by Kuzma. One of ordinary skill in the art would have been motivated to combine the teachings in order to have a memory storage device of a local node network store incoming email messages and attachments in order to prevent overloading of email messages to the local node (see at least, Kuzma, column 1, lines 36-52).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (WO 99/05814) in view of Kuzma (US 5,771,355).

Claim 23

Dickinson fails to disclose wherein the package identification data is supplied as part of a URL.

However Kuzma discloses wherein the package identification data is supplied as part of a URL (see at least, column, 5, line 55-column, 6, line 2: the examiner notes an attachment reference is generated which comprises a URL pointer to the location of the attachment).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dickinson to include wherein the package identification data is supplied as part of a URL as taught by Kuzma. One of ordinary skill in the art would have been motivated to combine the teachings in order to have a memory storage device of a local node network store incoming email messages and attachments in order to prevent overloading of email messages to the local node (see at least, Kuzma, column 1, lines 36-52).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARI L. SCHMIDT whose telephone number is (571)270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kari L Schmidt/
Examiner, Art Unit 2139

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139